

House Amendment 1463

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1 1 Amend the amendment, H=1457, to House File 686 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 12, the
1 4 following:
1 5 _____. Section 403.2, subsection 3, Code 2003,
1 6 is amended to read as follows:
1 7 3. It is further found and declared that there
1 8 exists in this state the continuing need for programs
1 9 to alleviate and prevent conditions of unemployment
1 10 and a shortage of housing; and that it is accordingly
1 11 necessary to assist and retain local industries and
1 12 commercial enterprises to strengthen and revitalize
1 13 the economy of this state and its municipalities; that
1 14 accordingly it is necessary to provide means and
1 15 methods for the encouragement and assistance of
1 16 industrial and commercial enterprises in locating,
1 17 purchasing, constructing, reconstructing, modernizing,
1 18 improving, maintaining, repairing, furnishing,
1 19 equipping, and expanding in this state and its
1 20 municipalities, for the provision of public
1 21 improvements related to housing and residential
1 22 development, and for the construction of housing for
1 23 low and moderate income families; that accordingly it
1 24 is necessary to authorize local governing bodies to
1 25 ~~designate areas of a municipality as economic~~
1 26 ~~development areas for commercial and industrial~~
1 27 ~~enterprises, public improvements related to housing~~
1 28 ~~and residential development, or construction of~~
1 29 ~~housing for low and moderate income families; and that~~
1 30 ~~it is also necessary to encourage the location and~~
1 31 expansion of commercial enterprises to more
1 32 conveniently provide needed services and facilities of
1 33 the commercial enterprises to municipalities and the
1 34 residents of the municipalities. Therefore, the
1 35 powers granted in this chapter constitute the
1 36 performance of essential public purposes for this
1 37 state and its municipalities.
1 38 Sec. _____. Section 403.4, subsection 1, Code 2003,
1 39 is amended to read as follows:
1 40 1. One or more slum, or blighted ~~or economic~~
1 41 ~~development areas exist in the municipality.~~
1 42 Sec. _____. Section 403.5, subsection 1, Code 2003,
1 43 is amended to read as follows:
1 44 1. A municipality shall not approve an urban
1 45 renewal project for an urban renewal area unless the
1 46 governing body has, by resolution, determined the area
1 47 to be a slum area, or blighted area, ~~economic~~
1 48 ~~development area~~ or a combination of those areas, and
1 49 designated the area as appropriate for an urban
1 50 renewal project. The local governing body shall not
2 1 approve an urban renewal plan until a general plan for
2 2 the municipality has been prepared. For this purpose
2 3 and other municipal purposes, authority is vested in
2 4 every municipality to prepare, to adopt and to revise
2 5 from time to time, a general plan for the physical
2 6 development of the municipality as a whole, giving due
2 7 regard to the environs and metropolitan surroundings.
2 8 A municipality shall not acquire real property for an
2 9 urban renewal project unless the local governing body
2 10 has approved the urban renewal project in accordance
2 11 with subsection 4.>
2 12 #2. Page 1, by inserting after line 21, the
2 13 following:
2 14 _____. Section 403.5, subsection 4, paragraph
2 15 b, subparagraph (2), unnumbered paragraph 2, Code
2 16 2003, is amended by striking the unnumbered
2 17 paragraph.>
2 18 #3. Page 3, by inserting after line 14, the
2 19 following:
2 20 _____. Section 403.7, Code 2003, is amended to
2 21 read as follows:
2 22 403.7 CONDEMNATION OF PROPERTY.
2 23 A municipality shall have the right to acquire by
2 24 condemnation any interest in real property, including

2 25 a fee simple title thereto, which it may deem
2 26 necessary for or in connection with an urban renewal
2 27 project under this chapter. ~~However, a municipality~~
~~2 28 shall not condemn agricultural land included within an~~
~~2 29 economic development area unless the owner of the~~
~~2 30 agricultural land consents to condemnation or unless~~
~~2 31 the agricultural land is to be acquired for industry~~
~~2 32 as that term is defined in section 260E.2.~~ A
2 33 municipality may exercise the power of eminent domain
2 34 in the manner provided in chapter 6B, and Acts
2 35 amendatory to that chapter or supplementary to that
2 36 chapter, or it may exercise the power of eminent
2 37 domain in the manner now or which may be hereafter
2 38 provided by any other statutory provisions for the
2 39 exercise of the power of eminent domain. Property
2 40 already devoted to a public use may be acquired in
2 41 like manner. However, real property belonging to the
2 42 state, or any political subdivision of this state,
2 43 shall not be acquired without its consent, and real
2 44 property or any right or interest in the property
2 45 owned by any public utility company, pipeline company,
2 46 railway or transportation company vested with the
2 47 right of eminent domain under the laws of this state,
2 48 shall not be acquired without the consent of the
2 49 company, or without first securing, after due notice
2 50 to the company and after hearing, a certificate
3 1 authorizing condemnation of the property from the
3 2 board, commission or body having the authority to
3 3 grant a certificate authorizing condemnation. In a
3 4 condemnation proceeding, if a municipality proposes to
3 5 take a part of a lot or parcel of real property, the
3 6 municipality shall also take the remaining part of the
3 7 lot or parcel if requested by the owner.>
3 8 #4. By striking page 3, line 32, through page 4,
3 9 line 10, and inserting the following:
3 10 _____. Section 403.17, subsection 10, Code
3 11 2003, is amended by striking the subsection.>
3 12 #5. Page 4, by inserting after line 16, the
3 13 following:
3 14 _____. Section 403.17, subsection 23, Code
3 15 2003, is amended to read as follows:
3 16 23. "Urban renewal area" means a slum area, or
3 17 blighted area, ~~economic development area,~~ or
3 18 combination of the areas, which the local governing
3 19 body designates as appropriate for an urban renewal
3 20 project.
3 21 Sec. _____. Section 403.17, subsection 25,
3 22 unnumbered paragraph 1, Code 2003, is amended to read
3 23 as follows:
3 24 "Urban renewal project" may include undertakings
3 25 and activities of a municipality in an urban renewal
3 26 area for the elimination and for the prevention of the
3 27 development or spread of slums and blight, ~~may include~~
~~3 28 the designation and development of an economic~~
~~3 29 development area in an urban renewal area,~~ and may
3 30 involve slum clearance and redevelopment in an urban
3 31 renewal area, or rehabilitation or conservation in an
3 32 urban renewal area, or any combination or part thereof
3 33 in accordance with an urban renewal program. The
3 34 undertakings and activities may include:
3 35 Sec. _____. Section 403.17, subsection 25, paragraph
3 36 a, Code 2003, is amended to read as follows:
3 37 a. Acquisition of a slum area, or blighted area,
3 38 ~~economic development area,~~ or portion of the areas;>.
3 39 #6. By renumbering as necessary.
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3 43 FORD of Polk
3 44 HF 686.205 80
3 45 sc/sh